

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESale PRICE)	MDL No. 1456
LITIGATION)	
)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:)	
)	Judge Patti B. Saris
ALL ACTIONS)	
)	

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal the following pleadings and other materials: (a) Plaintiffs' Memorandum in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice and the (b) Declaration of Robert F. Lopez in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice.

The foregoing items include excerpts from a database that Immunex Corporation (“Immunex”) has designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” pursuant to the terms of the December 13, 2004 Protective Order. Paragraph 15 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

While plaintiffs seek to file the above-listed items under seal in order to comply with the Protective Order, plaintiffs believe that much if not all of the material that Immunex has designated “CONFIDENTIAL” or HIGHLY CONFIDENTIAL is not truly confidential or highly

confidential. Accordingly, plaintiffs reserve the right to move for an order unsealing the referenced pleadings, and, as appropriate, some or all of the referenced database.

Finally, plaintiffs have contacted counsel for Immunex, and Immunex does not oppose this motion to file under seal.

WHEREFORE, plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

DATED: May 31, 2006

By /s/ Steve W. Berman
Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman Sobol Shapiro LLP
One Main Street, 4th Floor
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Robert F. Lopez
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Eugene A. Spector
Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Kenneth A. Wexler
Jennifer Fountain Connolly
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Marc H. Edelson
Allan Hoffman
Edelson & Associates LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Shanin Specter
Donald E. Haviland, Jr.
Kline & Specter, P.C.
1525 Locust Street, 19th Floor
Philadelphia, PA 19102
Facsimile: (215) 772-1359
Telephone: (215) 772-1000

**CO-LEAD COUNSEL FOR
PLAINTIFFS**

